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Peter Sirota

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REALNETWORKS, INC. C/O STOEL RIVES LLP
201. S MAIN STREET, SUITE 1100
SALT LAKE CITY, UT 84111

EXAMINER

DAM, KIM LYNN

ART UNIT

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2179

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/762,218	Applicant(s) SIROTA ET AL.	
	Examiner KIM-LYNN DAM	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/3/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-40 and 43-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-40 and 43-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the arguments filed on 6/3/09.

This action is made final.

Claims 1-14, 17-40 and 43-53 have been examined and are pending. Claims 1 and 27 are independent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3, 5, 8-14, 17, 18, 20, 21, 26-29, 31, 34-40, 43, 44, 46, 47, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yurkovic (USPN 6,487,585) in view of Parasnis et al. (US 6,728,753), further in view of Malik (US 2003/0229673).

Regarding claim 1, Yurkovic disclosed a method executed over a distributed computer network comprising:

scheduling at a server device a network-based media event (Abstract, lines 5-10;

Column 1, lines 48-54; Figure 2, item 12); and

sending a client device a message inviting an attendee to attend the network-based media event (Column 3, lines 54-60; Figure 7; Column 5, lines 32-48).

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Yurkovic did not specifically disclose transferring to the client device program code that includes information relating to the media event, the program code configured to cause a browser at the client device to be automatically launched for presentation of the media event based on the information relating to the media event, wherein the media event includes a data stream broadcast produced by the server device, the data stream broadcast includes at least one of data encoded during production of the data stream broadcast and data previously encoded, the data stream broadcast includes a data channel for instructing a portion of the media event. However, in an analogous art, Parasnis disclosed launching a media event including a data stream broadcast (Column 24, line 19 to Column 27, line 56). Yurkovic and Parasnis did not specifically disclose transferring to the client device program code that includes information relating to the media event, wherein the program code configured to cause a browser at the client device to be automatically launched for presentation of the media event based on the information relating to the media event. However, Malik disclosed automatically launching a browser during the date and time of a set event (Paragraph [0055]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Parasnis and Malik into the system of Yurkovic since the media event of Parasnis allows for users to attend a broadcasted media event and the automatic feature Malik would prevent users from having to manually open a browser at the time of the event.

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Regarding claim 2, the rejection of claim 1 is incorporated and further Yurkovic disclosed wherein scheduling the media event includes defining a broadcast time, a broadcast date, and a broadcast type for the media event (Figures 5 and 6, Column 4, line 36 to Column 5, line 6). It is inherent that a broadcast type is defined when a media event is scheduled (Column 1, lines 58-64).

Regarding claim 3, the rejection of claim 1 is incorporated and further Yurkovic disclosed wherein scheduling the media event includes defining one or more options for the media event (Column 1, lines 58-64).

Regarding claim 5, the rejection of claim 1 is incorporated and further Yurkovic disclosed wherein scheduling the media event includes uploading a slideshow presentation (Column 5, lines 16-24).

Regarding claim 8, the rejection of claim 1 is incorporated and further Yurkovic disclosed wherein scheduling the media event includes specifying one or more attendees (Figure 7; Column 5, lines 32-48).

Regarding claim 9, the rejection of claim 1 is incorporated and further Yurkovic disclosed further comprising: registering an attendee for the network-based media event (Figure 7; Column 5, lines 32-61).

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Regarding claim 10, the rejection of claim 9 is incorporated and further Yurkovic disclosed wherein registering an attendee includes assigning a password to the attendee (Column 5, lines 49-61).

Regarding claim 11, the rejection of claim 9 is incorporated and further Yurkovic disclosed wherein registering an attendee includes collecting information from the attendee (Figure 8B, item 702b; Column 6, lines 47-57).

Regarding claim 12, the rejection of claim 1 is incorporated and Malik does not specifically disclose wherein the program code comprises a password to automate login to the media event. However, Yurkovic discloses prompting the user to enter a password to login to the media event (Column 6, lines 47-57; Figure 8B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Yurkovic into the program code of Malik in order to authorize access to a session.

Regarding claim 13, the rejection of claim 1 is incorporated and further Yurkovic disclosed further comprising: reminding an attendee to attend the network-based media event (Abstract, lines 10-12; Column 2, lines 3-6; Column 3, lines 54-60).

Regarding claim 14, the rejection of claim 1 is incorporated and further Yurkovic disclosed further comprising: executing the network-based media event (Column 6, line

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58 to Column 7, line 29).

Regarding claim 17, the rejection of claim 14 is incorporated and further Yurkovic disclosed wherein executing the media event includes establishing a connection between the client device and the server device (Figure 1 and 2, items 10, 18, 30-1, 30-i and 40; Column 3, lines 41-49).

Regarding claim 18, the rejection of claim 17 is incorporated and further Yurkovic disclosed wherein executing the media event further includes accessing, with the browser at the client device, a data stream broadcast by the server device (“presentation page”, Column 6, lines 47-57).

Regarding claim 20, the rejection of claim 14 is incorporated and further Yurkovic disclosed wherein executing the media event includes establishing a connection between a host device and the server device (Figure 2, items 12 and 18; Column 3, lines 41-49).

Regarding claim 21, the rejection of claim 14 is incorporated and further Yurkovic disclosed wherein executing the media event includes broadcasting a data stream from the server device to one or more client devices (Figure 1 and 2, items 10, 18, 30-1, 30-i and 40; Column 3, lines 41-49).

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Regarding claim 26, the rejection of claim 21 is incorporated and further Yurkovic disclosed wherein executing the media event further includes encoding the data stream prior to broadcasting the data stream (Column 7, lines 14-21).

Regarding claims 27-29, 31, 34-39, 40, 43, 44, 46, 47 and 52, they are the corresponding program product claims of 1-3, 5, 8-13, 14, 17, 18, 20, 21 and 26.

Therefore, claims 27-29, 31, 34-40, 43, 44, 46, 47 and 52 are rejected under the same rationale as applied above.

Regarding claim 53, the rejection of claim 20 is incorporated and further Malik disclosed wherein the connection between the host device and the server device is established by an applet (Paragraph [0055]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Malik into the system of Yurkovic and Parasnis, since doing so would allow the client to connect and begin interaction with the server automatically when the browser is launched (Malik: Paragraph [0055]).

2. Claims 4, 7, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yurkovic (USPN 6,487,585) in view Parasnis et al. (US 6,728,753) and Malik (US 2003/0229673), further in view of Hanson et al. (USPN 6,457,045).

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Regarding claim 4, the rejection of claim 3 is incorporated and Yurkovic further disclosed wherein the options are chosen from the group consisting of a slideshow presentation. Neither Yurkovic, Parasnis nor Malik specifically disclosed the group consisting an interactive poll. However, Hanson disclosed polling a group of participants connected to a network (Abstract, lines 1-3; Column 13, lines 21-32). It would have been obvious to one of ordinary skill in the art at the time of invention to include the interactive polling of Hanson as one of the media event options in order to provide means for collecting data or choices from multiple participants (Hanson: Column 13, lines 21-32).

Regarding claim 7, the rejection of claim 1 is incorporated and Yurkovic disclosed scheduling media events (Abstract, lines 5-10; Column 1, lines 48-54; Figure 2, item 12). Neither Yurkovic, Parasnis nor Malik specifically disclosed configuring an interactive poll. However, Hanson disclosed polling a group of participants connected to a network (Abstract, lines 1-3; Column 13, lines 21-32). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the interactive polling of Hanson with the scheduling media events of in order to provide means for collecting data or choices from multiple participants (Hanson: Column 13, lines 21-32).

Regarding claims 30 and 33, they are the corresponding program product claims of 4 and 7. Therefore claims 30 and 33 are rejected under the same rationale as applied above.

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3. Claim 6 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Yurkovic (USPN 6,487,585) in view Parasnis et al. (US 6,728,753) and Malik (US 2003/0229673), further in view of Dunlap et al. (USPN 6,560,637).

Regarding claim 6, the rejection of claim 5 is incorporated. Neither Yurkovic, Parasnis, nor Malik specifically disclosed wherein scheduling the media event further includes converting one or more slides of the slideshow presentation into a standard image file format. However, Dunlap disclosed the above limitation (Column 4, lines 19-24). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Dunlap since converting slides to image files allows images to be viewed without special plug-ins or controls (Dunlap: Column 4, lines 19-24).

Regarding claim 32, it is the corresponding program product claim of 6. Therefore claim 32 is rejected under the same rationale as applied above.

4. Claims 1-3, 5, 8, 9, 11, 13-14, 17-22, 27-29, 31, 34, 35, 37, and 39-40, 43-48 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Bookspan et al. (USPN 6,636,888) in view of Parasnis et al. (US 6,728,753), further in view of Malik (US 2003/0229673).

Regarding claim 1, Bookspan disclosed a method executed over a distributed computer network comprising:

scheduling at a server device a network-based media event (Column 2, lines 37-49); and

sending a client device a message inviting an attendee to attend the network-based media event (Column 2, lines 49-55).

Bookspan did not specifically disclose transferring to the client device program code that includes information relating to the media event, the program code configured to cause a browser at the client device to be automatically launched for presentation of the media event based on the information relating to the media event, wherein the media event includes a data stream broadcast produced by the server device, the data stream broadcast includes at least one of data encoded during production of the data stream broadcast and data previously encoded. However, in an analogous art, Parasnis disclosed launching a media event including a data stream broadcast (Column 24, line 19 to Column 27, line 56). Bookspan and Parasnis did not specifically disclose transferring to the client device program code that includes information relating to the media event, wherein the program code configured to cause a browser at the client device to be automatically launched for presentation of the media event based on the information relating to the media event. However, Malik disclosed automatically launching a browser during the date and time of a set event (Paragraph [0055]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Parasnis and Malik into the system of Bookspan since the media event of Parasnis allows for users to attend a broadcasted media event

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and the automatic feature Malik would prevent users from having to manually open a browser at the time of the event.

Regarding claim 2, the rejection of claim 1 is incorporated and further Bookspan disclosed wherein scheduling a media event includes defining a broadcast time (Figure 7, item 530; Figure 13 item 1106), a broadcast date (Figure 5, item 526; Figure 13 item 1106), and a broadcast type for the media event (Figure 5, items 322 and 324; Figure 13, items 1116, 1118, 1120).

Regarding claim 3, the rejection of claim 1 is incorporated and further Bookspan disclosed wherein scheduling a media event includes defining one or more options for the media event (Figure 5, items 322 and 324; Figure 13, items 1116, 1118, 1120).

Regarding claim 5, the rejection of claim 1 is incorporated and further Bookspan disclosed wherein scheduling a media event includes uploading a slideshow presentation (Column 22, lines 39-43).

Regarding claim 8, the rejection of claim 1 is incorporated and further Bookspan disclosed wherein scheduling a media event includes specifying one or more attendees (Column 2, lines 49-55).

Regarding claim 9, the rejection of claim 1 is incorporated and further Bookspan

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disclosed further comprising: registering an attendee for the network-based media event (Column 14, lines 33-36).

Regarding claim 11, the rejection of claim 9 is incorporated and further Bookspan disclosed wherein registering an attendee includes collecting information from an attendee (Column 14, lines 33-36; Column 15, lines 1-5).

Regarding claim 13, the rejection of claim 1 is incorporated and further Bookspan disclosed further comprising: reminding an attendee to attend the network-based media event (Figure 9; Column 2, lines 61-65).

Regarding claim 14, the rejection of claim 1 is incorporated and further Bookspan disclosed further comprising: executing the network-based media event (Column 22, lines 1-21).

Regarding claim 17, the rejection of claim 14 is incorporated and further Bookspan disclosed wherein executing the media event includes establishing a connection between an attendee computer and a remote server (Column 22, lines 1-21 (wherein the presentation is viewed by the attendee provided from the NETSHOW server, therefore it is inherent that there is a connection between an attendee computer and a remote server)).

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Regarding claim 18, the rejection of claim 17 is incorporated and further Bookspan disclosed wherein executing the media event further includes accessing, with a browser, the data stream broadcast by the remote server (Column 22, lines 1-21 (wherein the presentation is viewed by the attendee from the NETSHOW server)).

Regarding claim 19, the rejection of claim 18 is incorporated and further Bookspan disclosed wherein the data stream is an encoded data stream and executing the media event further includes decoding the encoded data stream (Column 24, lines 20-26).

Regarding claim 20, the rejection of claim 14 is incorporated and further Bookspan disclosed wherein executing the media event includes establishing a connection between a host device and a remote server (Column 2, lines 37-49 (where user schedules the presentation with a broadcast server); Column 12, lines 15-19).

Regarding claim 21, the rejection of claim 14 is incorporated and further Bookspan disclosed wherein executing the media event includes broadcasting the data stream from a remote server to one or more attendee computers (Column 22, lines 1-21).

Regarding claim 22, the rejection of claim 21 is incorporated and further Bookspan disclosed wherein executing the media event further includes embedding a file representative of a slideshow slide into the data stream (Column 22, lines 14-19).

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Regarding claims 27-29, 31, 34, 35, 37, and 39-40 and 43-48, they are the corresponding program product claims of 1-3, 5, 8, 9, 11, 13-14 and 17-22. Therefore, claims 27-29, 31, 34, 35, 37, 39-40 and 43-48 are rejected under the same rationale as applied above.

5. Claims 23-25 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bookspan et al. (USPN 6,636,888) in view of Parasnis et al. (US 6,728,753) and Malik (US 2003/0229673), further in view of Hanson et al. (USPN 6,457,045).

Regarding claim 23, Bookspan disclosed the method of claim 21 wherein executing the media event further includes embedding a file representative of a slideshow slide into the data stream (Column 22, lines 14-19). Neither Bookspan Parasnis, nor Malik specifically disclosed wherein executing the media event further includes embedding a file representative of an opinion poll into the data stream. However, Hanson disclosed polling a group of participants connected to a network as a media event (Abstract, lines 1-3; Column 13, lines 21-32). It would have been obvious to one of ordinary skill in the art at the time of invention to embed a file representative of an opinion poll into the data stream similarly to embedding a file representative of a slideshow slide since doing so improves the synchronization of the broadcasting (Bookspan: Column 22, lines 14-19).

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Regarding claim 24, the rejection of claim 23 is incorporated and further Hanson disclosed wherein executing the media event further includes transmitting, from the client device to the server device, poll data representative of an attendee response to the opinion poll (Column 2, lines 43-63 (wherein dynamic content received by server includes selected choices from participants)). It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the teachings of Hanson with the execution of media events in order to provide means for collecting data or choices from multiple participants (Hanson: Column 13, lines 21-32) and to dynamically update the server with results from participants (Hanson: Column 2, lines 43-63).

Regarding claim 25, the rejection of claim 24 is incorporated and further Hanson disclosed wherein executing the media event further includes storing the poll data on the server device (Column 2, lines 43-63 (wherein server has associated database which retrieves and stores dynamic content including selected choices made by participants)).

Regarding claims 49-51, they are the corresponding program product claims of 23-25.

Therefore claims 49-51 are rejected under the same rationale as applied above.

Response to Arguments

Applicant is reminded that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be

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considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

2. Applicant's arguments filed 6/3/09 have been fully considered but they are not persuasive. Regarding Applicants arguments on Pages 11 and 12 that Malik only discusses setting a timer and does not disclose transmitting program code, Examiner respectfully disagrees. Examiner disagrees with how Applicants characterize the teachings of Malik. It should be noted that the Malik reference is not just about "configuring" and/or "setting a timer" as Applicants had argued. Malik teaches "transmitting program code including information relating to the media event, the program code configured to cause a browser at the client device to be automatically launched for presentation of the media event" (Paragraphs [0046] and [0049]). The conference request embedded in the e-mail message contains the conference date and time, and if they possible attendee sends a reply indicating they will attend, the conference will be automatically launched at the appropriate time (Paragraphs [0046] and [0049]). "Transferring program code" is broad, and the embedded conference request of Malik can be interpreted as such since it is not merely applying configuration parameters. The embedded conference request of Malik is sent to a to a potential attendee (client device), which causes the conference to automatically launch at the attendee's computer (client device) at the appropriate time. Again on page 12

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Applicants argue that Malik is merely "setting a timer" configuring a message program and cannot be construed as transferring program code. However Examiner notes that the "conference request embedded in an e-mail message", which is sent to the possible attendee is the claimed "program code" since automatically launching the conference is a result of receiving that email and replying yes. Also, if the attendee is attending the conference, the server reserves connections between the sender and the attendee, and the recipient's Internet browser's IM applet connects with the server (Paragraphs [0049] and [0055]).

Regarding Applicants arguments on Page 15 that Parasnis May not be modified to automatically launch a browser, Examiner believes Applicants are mischaracterizing what the examiner has set forth in the rejection. The Parasnis is used in the rejection to teach launching a media event including a data stream broadcast (Column 24, line 19 to Column 27, line 56). In combination with Malik disclosing automatically launching a browser during the date and time of a set event (Paragraphs [0046], [0049] and [0055]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Parasnis and Malik into the system of Yurkovic since the media event of Parasnis allows for users to attend a broadcasted media event and the automatic feature Malik would prevent users from having to manually open a browser at the time of the event.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIM-LYNN DAM whose telephone number is (571)270-1408. The examiner can normally be reached on M-TH 8:00-5:30, every other Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kim-Lynn Dam

/Kieu Vu/

Supervisory Patent Examiner, Art Unit 2173